

Mr. John Prince, Acting Director  
Emergency & Remedial Response Division  
United States Environmental Protection  
Agency, Region II  
290 Broadway  
New York, New York 10007-1866

RE: Tonawanda Coke Corporation (TCC)  
Tonawanda, Erie County

Dear Mr. Prince:

The New York State Department of Environmental Conservation (DEC) hereby requests the United States Environmental Protection Agency (EPA) perform an appropriate CERCLA time-critical removal action at the above referenced site.

The DEC understands that TCC will be announcing plans to surrender their air permits and shutter the above facility over the next seven to 10 days. The DEC is concerned that site conditions before and after shutdown will present a risk to human health and the environment unless emergency actions are taken to adequately secure and maintain the shuttered facility.

TCC has operated a coke manufacturing facility at this location since 1978, and the property has been used for coke manufacturing since 1917. The site is located immediately east of the Niagara River. The main plant facility contains coke ovens, supporting structures, and numerous coal/coke piles. The site is divided by River Road, with the main plant facility located to the east and a parcel adjacent to the Niagara River to the west. The site is approximately 160 acres in size, and the nearest residential area is located approximately 0.25 miles south of the site.

The site generally slopes gently to the west towards the Niagara River. Surface water within the plant area is collected by a storm water collection system and directed to the SPDES permitted outfall west of the site. The site is a class 2 site on New York State's Registry of Inactive Hazardous Waste Disposal Sites (Site ID No. 915055). Several investigations indicate widespread on-site contamination resulting from the disposal of industrial and hazardous wastes at the site. The type of wastes varies by location, but includes coke/cinders, building debris, coal tar sludge, scrap metal, wood, and saddle packing.

Immediate actions necessary include securing the closing facility and ensuring protective fencing to prevent vandalism and trespass, both at the plant site and the Site 108 area across the road from the plant, and ensuring all process and storage tanks are properly emptied and/or secured (current registered above ground storage tank capacity is approximately 50,000 gallons for petroleum, 10,000 gallons for chemical bulk storage (see attached) and various sized process tanks that contain an unknown amount of coke oven gas condensate/sludge). Longer term needs will include necessary maintenance of the facility's storm water drainage system to prevent discharge of known surficial contamination to the Niagara River and pumping of the bermed area around the two coal tar storage tanks at Site 108.

In addition to the above, DEC requests that the EPA complete an assessment of the facility to identify any additional emergency actions which may be necessary. Further, while DEC staff will be involved with the facility during shut down operations (e.g., staff with the Divisions of Air and Material Management will be overseeing the closure process of the battery ovens and overseeing any impacts on the process tanks during this process), we request EPA staff also be on site to provide additional oversight of proper shutdown procedures and to gather information on facility operations which will assist the requested assessment of potential additional removal action needs.

This request is being made under CERCLA, 42 U.S.C.A. §§ 9601, et seq. and the National Contingency Plan, 40 C.F.R. Part 300, which allows the U.S. EPA to respond to and recover costs incurred in response to releases of pollutants and contaminants as deemed necessary in EPA's sole discretion to abate an imminent and substantial endangerment to public health or welfare or the environment at the location stated above.

The Department appreciates EPA's consideration of this referral. Any questions or requests for additional information regarding this site should be directed to Christopher LaLone of DEC at (716) 851-7220.

Sincerely,

Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

ec: J. Rotola – USEPA, Region II, Edison, NJ  
S. Hoppe - USEPA, Region II, Edison, NJ  
J. Quinn – NYSDEC, Albany  
M. Cruden – NYSDEC, Albany